GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Appeal - Sri A.Nirmalananda Baba, former Tahsildar, Nellore (R), SPSR Nellore District - disciplinary proceedings initiated on the allegation of issue of caste Certifcates of Samban, Muchi in non-schedule area without having competency - Imposed Punishment of "Stoppage of four Annual Grade increments with cumulative effect - Appeal filed - Admitted - Set-a-side the punishment orders - Orders - Issued.

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REVENUE (VIGILANCE.III) DEPARTMENT

G.O.Rt.No.71 Dated:22.01.2024

Read the following:

1. Proceedings.No.VS.II(1)/65/2022, DT:23.01.2023 of the CCLA, A.P., Vijayawada
2. Appeal petition dt:Nil of Sri A.Nirmalananda Baba, former Tahsildar, Nellore (R),SPSR Nellore District received on Dt:17.03.2023.
3. Govt.Memo.No.REV01-LANA0CCLV(DISC)/22/2023-VIG.III(2), Dt:19/04/2023
4. Remarks & Records received from the CCLA in the e-file bearing Comp.No.1721124.
5. Govt.Memo.No.REV01-LANA0CCLV(DISC)/22/2023-VIG.III(2), Dt:28/11/2023

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ORDER:

Whereas, it was brought to the notice of the Government that disciplinary proceedings were instituted against Sri A.Nirmalananda Baba, former Tahsildar, Nellore (R), SPSR Nellore District on the allegations of issue of caste Certifcates of Samban, Muchi in non-schedule area without having competency. After following the due procedure under Andhra PradeshCivil Services (Classification Control & Appeal) Rules, 1991, as the charge framed against Sri A.Nirmalananda Baba, former Tahsildar, Nellore (R), SPSR Nellore District is held proved, the Chief Commissioner of Land Administration, A.P., issued orders imposing a major penalty of "Stoppage of four Annual Grade increments with cumulative effect against Sri A.Nirmalananda Baba, Tahsildar vide reference 1st read above.

2. Aggrieved by the above orders issued by the Chief Commissioner of Land Administration, Sri A.Nirmalananda Baba, Tahsildar has filed an appeal petition before the Government stating that without mentioning the scheduled area for the castes of Samban and Muchi, the CCLA has passed orders and issued major punishment. The Details of the places which are scheduled and which are non scheduled area are not specifically mentioned. There is no justifcation in passing the orders. The explanation furnished by the petitioner is not at all received at the stage of enquiry officer or at the state of disciplinary authority. As per the instructions contained in the G.O.Ms.No.122 SW(J2), Dt.01.09.1997 all MRO's in the State not bellow the rank of Deputy Tahsildar within the schedule area of the state & Revenue Divisional Office/ Sub Collector in the non-scheduled area of the State are competent to issue the SC Samban caste certifcates. Further after Reorganization of the State the SC Samban is listed out at Sl.No.45 in the list of scheduled castes pertaining to the success State of Andhra Pradesh in the section 8 of Andhra Pradesh, Reorganization Act, 2014. He has finally requested to rectify the punishment imposed by the CCLA and exonerate him in this case.

3. In the reference 3rd read above, while sending a copy of the appeal petition, the Chief Commissioner of Land Administration, A.P was requested to examine the contents of the appeal petition filed by A.Nirmalananda baba, former Tahsildar and furnish a report along with specific remarks and connected records to take further action in the matter. Accordingly, in the reference 5th read above, the Chief Commissioner of Land Administration, A.P., has submitted the connected records and stated that the orders issued by CCLA & Special C.S. in the reference 1st read above is self explanatory. A personal hearing has been conducted on 30.11.2023 and the appellant has been attended and submitted his defense.

(P.T.O)

4. After careful examination of the records made available and statement submitted by the appellant during the personal hearing, it is observed that the charged officer stated that as per G.O.Ms. No.58, Social Welfare (12) dt. 12.05.1997 & G.O.Ms.No.122, S.W (JZ) Dept Dt.01.09.1997, Tahsildar/Deputy Tahsildar is competent Authority for issuance of caste Certifcate for Samban as well as Masthi Caste. His plea was that the charges are based on the outdated Andhra Pradesh Regulation Act of 1993, whereas the issued caste certifcates align with a G.O.Ms.No.58 SW (J2) Department Dt. 12-07-1997 and a 2017 memo. Regarding giving digital key to the Computer Operator, that in workflow system controlled delegation of signature is mandatory as per research analysis of I.T Act and no misuse of digital signature occurred and finally requested to drop further action in the matter duly exonerating from charges farmed on him. Under these circumstances, A. Nirmalananda Baba, former Tahsildar of Nellore Rural, SPSR Nellore, faced accusations of issuing SC- caste certifcates without proper authorization. However, it is important to note that no injustice was caused by this act as he has issued the certifcates to the genuine caste people rather it constitutes a procedural lapse.

5. Government, after careful examination of the matter, have decided to admit the appeal petition filed by Sri A.Nirmalananda Baba, former Tahsildar, Nellore (R), SPSR Nellore District. Accordingly, Government hereby set-a-side the punishment of "withholding of four (4) annual grade increments with Cumulative effect imposed by the CCLA, against him under Rule 37 of A.P.C.S (CC&A), Rules,1991, as he has issued the certifcates to the genuine caste people.

6. The Chief Commissioner of Land Administration, A.P., Mangalagiri shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY JAIN, IAS
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To:
Sri A.Nirmalananda Baba, former Tahsildar, Nellore (R), SPSR Nellore District *through* the Chief Commissioner of Land Administration, A.P., Mangalagiri.
The Chief Commissioner of Land Administration, A.P., Mangalagiri.

Copy to:
The OSD to Hon'ble Minister (Rev).
The Collector & District Magistrate, SPSR Nellore District.
Sf/Sc.

//FORWARDED:BY ORDER//

SECTION OFFICER